<center>REMARKS</center>

The above Amendments and these Remarks are in reply to the Office Action mailed June 5, 2006. Claims 1- 39 and 41-51 are presented herewith for consideration.

Currently, claims 1- 39 and 41-51 are pending. Applicants have amended claims 1, 2, 9-10, 28 and 35. Applicants respectfully request reconsideration of claims 1- 39 and 41-51.

I.   Summary of the Examiner's Objections

Claims 1, 9, 25 and 38 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter.

Claims 1-39 and 41-51 were rejected under 35 U.S.C. § 102(a) as being anticipated by *Burke et al.*, U.S. Patent No. 6,789,252 ("*Burke*").

II.   Summary of the Amendments

Claims 1, 2, 9-10, 28 and 35have been amended.

III.   Remarks

Based on the above amendments and these remarks, reconsideration Claims 1- 39 and 41-51 is respectfully requested.

It is respectfully submitted claims 1, 9, 28 and 35 are not anticipated by Burke. As discussed herein, Burke fails to disclose at least one functional attribute value which characterizes data fields that define an item type. Burke also fails to disclose an item type having a plurality of data values within a plurality of data fields, wherein the plurality of data values comprise a specification that includes a virtual area association.

These particular features of the invention are defined in the claims of the present invention.

Rejection of claims under 35 USC 101

Examiner rejected claims 1, 9, 25 and 38 under 35 USC 101 for being directed to non-statutory subject matter. In particular, Examiner indicates that claims 1 and 9 are directed

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improperly towards data structures and that claims 1, 9, 25 and 38 do not provide a practical application that produces a useful, tangible and concrete result.

The Examiner indicated that claim 1 is rejected because claim 1 does not recite a data structure as embodied in computer readable media. Applicant has amended claim 1 to recite a "data structure for an asset management system, *the data structure stored in a computer readable media*." Applicant respectfully submits that amended claim 1 is directed towards statutory subject matter.

The Examiner indicated that claim 9 is also rejected because claim 9 does not recite a data structure as embodied in computer readable media. Applicant has amended claim 9 to recite "A method for constructing data concerning item specifications in a system for managing an asset, *the method implemented at least in part by a computing device*, [...]." Applicant respectfully submits that amended claim 9 is directed towards statutory subject matter.

Examiner further indicated that claims 1, 9, 25 and 38 do not provide a practical application. Applicant respectfully disagrees with Examiner's indication. Claim 1 provides at least one item type template which defines a plurality of data fields for a subset of physical items, wherein each physical item is associated with a specification. It is well known that templates save time and resources in creating objects of the template type. Thus, claim 1 provides a practical application of providing a time and resource saving template for generating data fields for a subset of physical items.

Similarly, claim 9 recites providing a user data entry interface, receiving data which comprises one or more specifications, and storing the specification. By receiving and storing the data, claim 1 provides a practical application for providing a tool for receiving important information and storing the important information. Storing the data in a database is a concrete result; it is not unclear.

Claim 25 is dependent on claim 9 and further recites wherein "said steps of providing and receiving are performed on a computer coupled to a network." Claim 25 is based on claim 9 is therefore also provides a practical application of receiving and storing important information. Further, claim 25 recites that steps of the method in claim 9 are performed on a computer "coupled to a network." A computer that is coupled to the network may communicate over the network. This is a practical application because the computer is more powerful when it can send and/or receive

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data with an entity over a network other than itself, which is implied if the computer is coupled to the network.

Claim 38 is dependent on claim 35 which recites a system for defining and managing an asset. Claim 38 provides an additional limitation of "wherein the type manager includes an attribute manager." A type manager with an attribute manager has additional functionality than a type manager without an attribute manager. This is a practical application of a system and has a tangible result of inclusion of an attribute manager.

For the reasons set forth above with respect to claim 1, Applicants respectfully submit that claims 1, 9, 25 and 38 are directed to statutory subject matter and request the rejection under 35 USC 101 be withdrawn.

Rejection of claims 1-39 and 41-51 under 35 USC 102(a) under Burke

Applicant respectfully submits that claims 1-39 and 41-51 are not anticipate by Burke under 35 USC 102(a) as discussed herein.

Claims 1-8

It is respectfully submitted that claim 1 as amended is not anticipated by Burke. Claim 1 recites:

> at least one item type template defining for a subset of physical items a plurality of data fields characterizing the definition for the item type; and
> at least one specification for each physical item, the specification comprising a plurality of data values provided in the plurality of data fields defining the item type, said data fields including:
>> at least one attribute value characterizing the item, wherein the at least one attribute is a **functional attribute** of the item.

There is no disclosure in Burke supporting an anticipation rejection of at least one "functional attribute" value which characterizes data fields that define an item type. Burke discloses a system for creating and applying business objects that take the form of dynamically managed definitions as specifications (col. 5, lines 35-38). Burke discloses creating a template for

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instantiating different specifications, wherein the specifications are configurable through definitions consisting of attributes and role objects (col. 38, lines 49-57). However, Burke does not disclose defining a functional attribute value as part of a workflow. In particular, Burke does not disclose defining <u>functional</u> attribute values which characterize data fields that define an item type.

Claim 2 formerly recited a similar "functional attribute" element and was addressed by Examiner in the Office Action. In providing support for the rejection of claim 2, Examiner cited to column 37, line 65 to column 38, lines 15 of Burke. The portion cited by Burke does not disclose a specification for each of a plurality of physical items, wherein at least one functional attribute value for data fields defined by an item type template. This portion of Burke discusses a Product Composition System which allows users to define products, define attributes, create specifications and formalize knowledge known to key personnel. Unlike the embodiment claimed in claim 1, the attributes defined by Burke are not functional attribute values which characterize data fields that define an item type. Rather, Burke describes a vague notion of attributes which does not include a functional attribute.

In addition to being dependant on patentably distinct claim 1, claim 3 is further patentable over Burke. Claim 3 recites:

> wherein the specification further includes **a virtual area association**.

The limitation of "a virtual area association" is not anticipated by Burke. A virtual area as claimed in claim 3 represents a spatial element of an asset. The specification of the present application describes a virtual area as "spatial representation or work breakdown of an asset which may contain other virtual areas." (page 23, lines 20-22) Further, a user may associate a specification with a virtual area. The specification of the present application teaches:

> "The user may specify the quantity of item Specifications for each virtual area. The user may access the virtual area page (Figure 18i) to specify the quantities for each area of the property or project." (page 35, lines 25-28).

Thus, a specification may be associated with a virtual area in a manner that specifies a quantity of the specification type located in the virtual area.

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There is no disclosure in Burke that anticipates a specification that "includes a virtual area association." Burke discloses a system for creating and applying business objects that take the form of dynamically managed definitions as specifications (col. 5, lines 35-38). The capabilities of Burke relate to ontology definition and execution, defining and applying business objects, providing a common view of products and processes, demand satisfaction management and providing a common view of supply and demand. (col. 6, lines 50-54) Burke does not disclose anything remotely similar to a virtual area association as claimed in claim 3.

Furthermore, the portion of Burke cited by the Examiner relative to claim 3 does not disclose a specification that "includes a virtual area association." In providing support for the rejection of claim 3, the Examiner cites Figures 55-58, 73 and 77-78. Figures 55-58 provide an interface for shipping information, product specification information and user login information, figure 73 provides information on a history of a bid for a computer with bid specifications, shipping terms, price and other information, and figures 77A-77B (Applicant notes there is no Figure 78) provide information regarding a product search page and product specification page. Listing product shipping information, including shipping addresses, does not anticipate a spatial element of an asset or a work breakdown of an asset that is contained in a virtual area. Thus, figures 55-58, 73 and 77A-B do not disclose any information regarding a specification that "includes a virtual area association."

For the reasons set forth above, it is respectfully submitted claim 1 and 3 are not anticipated by Burke. Additionally, it is respectfully submitted that claims 2-8 which are dependent from claim 1 and include all the limitations of claim 1 are not anticipated by Burke.

Claims 9-27

It is respectfully submitted that claim 9 as amended is not anticipated by Burke. Claim 9 recites:

> receiving a plurality of data values for each of said plurality of items [...] wherein the plurality of data values for each item comprise a specification for said item and each data field of the specification describes **a functional attribute** of the item [...], **wherein the specification further includes a virtual area association** [...].

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For reasons discussed with respect to claim 1, Burke does not disclose "a functional attribute" value which characterizes data fields that define an item type. The portion cited by Burke discloses general business planning methods for manufacturing and supply and demand, and does not disclose a specification for each of a plurality of physical items, wherein at least one functional attribute value for data fields defined by an item type template. Though Burke discloses a vague notion of attributes, Burke does not disclose defining a functional attribute value as part of a workflow. Rather, Burke describes a vague notion of attributes which does not include a functional attribute.

For reasons discussed with respect to claim 3, Burke does not anticipate a specification that "includes a virtual area association." The specification of the present application describes a virtual area as "a spatial representation or work breakdown of an asset which may contain other virtual areas." (page 23, lines 20-22) The specification of the present application also teaches that a user may specify the quantity of item Specifications for each virtual area. (page 35, lines 25-28).

A virtual area as a spatial representation and for which a quantity of item specifications can be specified is not disclosed by Burke. Burke discloses a system for creating and applying business objects that take the form of dynamically managed definitions as specifications (col. 5, lines 35-38). The capabilities described in Burke relate to ontology definition and execution, defining and applying business objects, providing a common view of products and processes, and other business processes. Nowhere does Burke anything similar to a virtual area association as in the claimed embodiment of claim 3.

Additionally, the cited portion of Burke with respect to a similar limitation in claim 3 does not disclose a specification that "includes a virtual area association." In providing support for the rejection of claim 3, Examiner cites to Figures 55-58, 73 and 77-78. The cited figures provide an interface for shipping information, product specification information and user login information, bid history information, and a product search interface page. The figures include shipping information for a product, shipping information does not anticipate a spatial element of an asset or a work breakdown of an asset that is contained in a virtual area. Thus, Burke does not disclose any information regarding a specification that "includes a virtual area association" as recited in claim 9.

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For the reasons set forth above, it is respectfully submitted claim 9 is not anticipated by Burke. It is respectfully submitted that claims 10-27 which are dependent from claim 9 and include all the limitations of claim 9 are not anticipated by Burke.

Claims 28-34

It is respectfully submitted that claim 28 as amended is not anticipated by Burke. Claim 28 recites:

> providing, responsive to a client request, an item specification management toolset including at least one template definition application;
> providing at least one item type template for collecting information from a user including a plurality of data fields describing an item; and
> receiving data from the client including at attribute value characterizing the item and at least one component value associating the at least one item type with a second item type for at least one item and storing said values in a database, **wherein the at least one attribute is a functional attribute of the item**.

As discussed above with respect to claim 1, there is no disclosure in Burke supporting an anticipation rejection of at least one functional attribute value which characterizes data fields that define an item type. Burke discloses a system for creating and applying business objects that take the form of dynamically managed definitions as specifications, and may create a template for instantiating different specifications, wherein the specifications are configurable through definitions consisting of attributes and role objects. Burke does not disclose defining a functional attribute value is part of a workflow.

The portion cited by Examiner to support a rejection of a similar limitation in claim 2 does not anticipate claim 28. In particular, cited portion of Burke discusses a Product Composition System which allows users to define products, define attributes, create specifications and formalize knowledge known to key personnel. Unlike the embodiment claimed in claim 28, the attributes defined by Burke are not functional attribute values which characterize data fields that define an item type.

For the reasons set forth above, it is respectfully submitted claim 28 is not anticipated by Burke. It is respectfully submitted that claims 29-34 which are dependent from claim 28 and include all the limitations of claim 28 are not anticipated by Burke.

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<u>Claims 35-39 and 41-51</u>

It is respectfully submitted that claim 1 as amended is not anticipated by Burke. Claim 35 recites:

> a data store for item specification data provided on a host computer coupled to a network, each item specification including for one of the plurality of items at least one attribute value characterizing the item and at least one component value associating the item type with a second item type, **wherein the specification further includes a virtual area association** [...].

As discussed above with respect to claim 9, there is no disclosure in Burke supporting an anticipation rejection of a specification that includes "a virtual area association." Burke discloses a system for creating and applying business objects that take the form of dynamically managed definitions as specifications and capabilities that relate to demand satisfaction management and providing a common view of supply and demand. (col. 6, lines 50-54) Burke does not disclose providing a virtual area association with a specification as provided in building design applications.

The portion cited by Burke in rejection of a similar limitation in claim 3 does not disclose a specification that "includes a virtual area association." Figures 55-58 provide an interface for shipping information, product specification information, and user login information, bid information, and product searching. Figures 55-58, 73 and 77A-B do not disclose any information regarding a specification that "includes a virtual area association."

For the reasons set forth above, it is respectfully submitted claim 35 is not anticipated by Burke. It is respectfully submitted that claims 36-39 and 41-51which are dependent from claim 35 and include all the limitations of claim 35 are not anticipated by Burke.

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Based on the above amendments and these remarks, reconsideration Claims 1- 39 and 41-51 is respectfully requested.

The Examiner's prompt attention to this matter is greatly appreciated. Should further questions remain, the Examiner is invited to contact the undersigned attorney by telephone.

Enclosed is a PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. § 1.136 for extending the time to respond up to and including today, December 5, 2006.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 501826 for any matter in connection with this response, including any fee for extension of time, which may be required.

<div align="center">Respectfully submitted,</div>

Date: _____December 5, 2006_____   By:_____/Stephen R. Bachmann/_____
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